

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

DELANO THOMAS KIPP,

Defendant.

CR-14-04-GF-BMM

ORDER

United States Magistrate Judge John Johnston entered Findings and Recommendations in this matter on June 3, 2020. (Doc. 74.)

When a party makes no objections, the Court need not review *de novo* the proposed Findings and Recommendations. *Thomas v. Arn*, 474 U.S. 140, 153-52 (1986). This Court will review Judge Johnston's Findings and Recommendations, however, for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981).

Judge Johnston conducted a revocation hearing on June 2, 2020. (Doc. 71.) The United States accused Kipp of violating his conditions of supervised release 1) by failing to report to his probation officer as directed; and 2) by failing to notify his probation officer of a change in residence. (Doc. 66). At the revocation hearing, Kipp admitted that he had violated the condition of his supervised release: 1) by failing to report to his probation officer as directed; and 2) by failing to notify his

probation officer of a change in residence. (Doc. 71.) Judge Johnston found that Kipp's violations proved to be serious and warranted revocation, and recommended that Kipp receive a custodial sentence of 5 months, with 20 months of supervised release to follow. (Doc. 74.) Kipp was advised of the 14 day objection period and his right to allocute before the undersigned.

The violations prove serious and warrant revocation of Kipp's supervised release. The Court finds no clear error in Judge Johnston's Findings and Recommendations.

Accordingly, **IT IS ORDERED** that Judge Johnston's Findings and Recommendations (Doc. 74) are **ADOPTED IN FULL**.

IT IS FURTHER ORDERED that Defendant Delano Thomas Kipp be incarcerated for a term of 5 months of custody, with 20 months of supervised release to follow. Kipp should serve his term of custody at the Bureau of Prisons' facility in Sandstone, Minnesota, or at the Bureau of Prisons' facility in Oxford, Wisconsin.

DATED this 18th day of June, 2020.



Brian Morris, Chief District Judge
United States District Court